

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KAMEYLA MEDINA, a minor,
by her mother and next friend,
AUDREY ESTRADA,

Plaintiff,

v.

Case No.: 10-CV-982

MV/ACT

THE ALBUQUERQUE PUBLIC SCHOOLS
BOARD OF EDUCATION, individual members,
in their individual and official capacities, et al.

Defendants.

ORDER APPROVING SETTLEMENT WITH MINOR CHILD

This matter comes before the Court on a Joint Verified Motion to Approve Settlement with a Minor filed by Plaintiff Audrey Estrada, as Mother and Next Friend of Kameyla Medina (“Plaintiffs”), by and through counsel, Defendants Board of Education for the Albuquerque Public Schools, Winston Brooks, Rene Salazar-Garcia, Rafael Esparza, Jo Dee Scholz, and Karl Schaller (collectively, the “APS Defendants”), by and through counsel, and Amanda Dimas, Individually, and as Mother and Next Friend of Lorena Dimas (collectively, the “Dimas Defendants”), *pro se*.

FINDINGS

Plaintiffs filed their Complaint on September 16, 2010, alleging injuries to Kameyla Medina as a result of a physical altercation with another student at John Adams Middle School. Based upon clear and convincing evidence, the Court finds:

1. The case involves injuries alleged as a result of a physical altercation

between Kameyla Medina and Lorena Dimas at John Adams Middle School on October 4, 2007.

2. The minor child, Kameyla Medina, is the daughter of Audrey Estrada.

3. A settlement conference was held on March 17, 2011 with Magistrate Judge Torgerson, at which all claims against the APS Defendants and the Dimas Defendants were settled.

4. The terms of the settlement as to the minor child, Kameyla Medina, is reflected in the written Settlement Agreement and Release, which has been provided to the Court, and whose terms are incorporated herein by reference.

5. The settlement payment as described in the confidential Settlement Agreement and Release, which the Court has reviewed, requires that the monies be used for the benefit of Kameyla Medina, as well as to pay all costs, Medicare, Medicaid or other healthcare liens, and attorneys fees

6. At the conclusion of the settlement conference, Magistrate Judge Torgerson went on record to confirm the parties' understanding of the terms of the settlement agreement. Audrey Estrada, as Mother and Next Friend of Kameyla Medina, represented in open court and on the record that she understands that the settlement payment reflects the total amount that will be paid by the APS Defendants, and that neither she nor Kameyla Medina will receive any additional monies from the APS Defendants or the Dimas Defendants. She further represented that she understood that no other claims can be brought on the behalf of Kameyla Medina, by her or anyone else related to Kameyla Medina, as a result of the events alleged in the Complaint. Audrey Estrada confirmed her understanding that she did not have to settle and that she could


have gone to trial where she might have received more money, less money, or no money at all, and that no one had forced or coerced her to settle. She also represented that she was not under the influence of drugs or alcohol when she agreed to the settlement

7. Audrey Estrada wants the Magistrate Judge to recommend the settlement in this matter.

CONCLUSIONS

The Court concludes that the settlement of all claims which could have been brought on behalf of the minor child, Kameyla Medina, as set forth above and reflected in the Settlement Agreement and Release is fair and reasonable under the circumstances, and acceptance of the settlement is in the best interests of Kameyla Medina.

The Court therefore finds that the settlement as reflected in the Settlement and Release Agreement will be and hereby is approved, and upon submission of a joint motion and order, the claims against the APS Defendants and the Dimas Defendants shall be dismissed with prejudice.


HONORABLE ALAN C. TORGERSON
U.S. Magistrate Judge

SUBMITTED BY:

MODRALL SPERLING ROEHL HARRIS & SISK, P.A.

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